

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Sandra Ann Sumpter,)	Civil Action No.: 8:14-3724-BHH
)	
	Plaintiff,)	
)	
v.)	
)	
Commissioner of Social Security)	<u>OPINION AND ORDER</u>
Administration,)	
)	
Defendant.)	

In this action, the plaintiff Sandra Ann Sumpter (“the plaintiff”), proceeding *pro se*, seeks judicial review of the final decision of the Commissioner of Social Security (“Commissioner”) denying the plaintiff’s claim for Disability Insurance Benefits. The plaintiff filed her complaint pursuant to 28 U.S.C. § 1915.

The matter is currently before the Court for review of the Report and Recommendation (“Report”) of Magistrate Judge Jacquelyn D. Austin made in accordance with 28 U.S.C. § 636(c) and Local Rules 73.02(B)(2)(a) and 83.VII.02, D.S.C. and filed on December 2, 2014. (ECF No. 18.) In the Report, Magistrate Judge Austin recommended that this action be dismissed without prejudice for lack of jurisdiction.

The Report sets forth the relevant standards of law and facts related to this case. Specifically, the plaintiff failed to present evidence that she had a final decision by the Commissioner and, as such, this action was premature. The plaintiff failed to file objections to the Report, and the time for doing so expired on December 19, 2014.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part,

the recommendation of the Magistrate Judge, or recommit the matter to him with instructions. 28 U.S.C. § 636(b)(1). In the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir.2005).

The Court has carefully reviewed the record and concurs in the recommendation of the Magistrate Judge. The Court adopts the Report and Recommendation and incorporates it herein by reference. This action is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

/s/ Bruce Howe Hendricks
United States District Judge

December 22, 2015
Greenville, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified that any right to appeal this Order is governed by Rules 3 and 4 of the Federal Rules of Appellate Procedure.